

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 335 – SB 1569**

March 13, 2021

**SUMMARY OF BILL:** Establishes a rebuttable presumption that any condition or impairment of health caused by leukemia or testicular cancer which causes a disabling health condition experienced by full-time firefighters occurred in the line of duty, if certain conditions are met. Requires any firefighter wishing to use this rebuttable presumption to obtain a medical examination after July 1, 2021, and such examination must include a cancer screening that fails to reveal any evidence of leukemia or testicular cancer.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$50,000/FY21-22 and Subsequent Years/General Fund  
Exceeds \$10,000/FY21-22 and Subsequent Years/  
Claims Commission**

**Increase Local Expenditures – Exceeds \$20,000/FY21-22 and Subsequent Years\***

**Assumptions:**

- The proposed legislation:
  - Applies only to full-time firefighters of a fire department of the state or a political subdivision of the state.
  - Presumes that any disabling health condition caused by leukemia or testicular cancer which results in the firefighter being unable to perform regular duties occurred in the line of duty.
- Public Chapter 490 of 2019 enacted the Barry Brady Act, which established a rebuttable presumption that any condition, impairment, or death caused by certain cancers experienced by full-time firefighters occurred in the line of duty, upon certain conditions being met.
- Currently, the list of covered cancers includes all forms of Non-Hodgkin's Lymphoma cancer, colon cancer, skin cancer, and multiple myeloma cancer.
- Public Chapter went into effect July 1, 2019; therefore, the Barry Brady Act has been in effect for over one and one-half years.
- Based on information provided by the Bureau of Workers' Compensation, no firefighter cases have been mediated or heard by the judge since enactment of the Barry Brady Act.
- Based on information from the Treasury regarding estate claims made due to the Barry Brady Act, there have been no instances of estates of state firefighters receiving the benefits awarded via the Act.

- Based on information provided by the Department of Health, in 2018 there were at least six persons who perished, listing their occupation as a firefighter, and whose cause of death was listed as cancer. The type of cancer is unknown.
- If the disabling health condition is determined to be caused by leukemia or testicular cancer and judged to be contracted in the line-of-duty by way of the rebuttable presumption, and the firefighter subsequently dies of cancer, the estate of the firefighter will be entitled to receive a death benefit of \$50,000 per year, paid from the state General Fund, for a period of five years, pursuant to Tenn. Code Ann. § 7-51-210.
- Assuming the estate of one full-time firefighter claims and is awarded the state death benefit every five years, it will result in an increase in state expenditures from the General Fund of \$50,000 in FY21-22 and subsequent years.
- It is assumed that one state-employed firefighter will apply for and receive benefit coverage under state benefits annually as a direct result of this legislation. While a precise impact to the Claims Commission cannot be determined, however the increase in state expenditures to the Commission is reasonably estimated to exceed \$10,000 in FY21-22 and subsequent years.
- The extent of benefits which are currently provided to full-time firefighters by each local government is unknown; therefore, a precise recurring mandatory increase in local government expenditures for providing additional benefit coverage cannot be determined, but is reasonably estimated to exceed \$20,000 statewide in FY21-22 and subsequent years.

*\*Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

## **IMPACT TO COMMERCE:**

### **NOT SIGNIFICANT**

#### **Assumption:**

- The proposed language will not result in any significant impact to jobs or commerce in Tennessee.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Bojan Savic, Interim Executive Director

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